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REMARKS

Claims 1 - 25 are presented and reconsideration is requested. Claim 24 has been amended to correct dependency. Amendments to the specification have been made to correct two typographical errors. No new matter has been added.

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CLAIM REJECTION(S) UNDER 35 U.S.C. § 103

Claims 1 and 23 – 25 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Roessler et al.* (U.S. 5,683,531). Applicants submit that claims 1 and 23 – 25 are not obvious in view of *Roessler et al.* To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.¹ *Roessler et al.* does not teach all the limitations of Applicants' claims.

In this rejection, the Examiner equates the composite absorbent pad web 58 of *Roessler et al.* with the retention-barrier composite web 51 of Applicants' invention.² In Applicants' invention, the retention-barrier composite 51 has an absorbent material 45 adhered to a liquid barrier sheet 47.³ The Examiner has cited element 58 in *Roessler et al.* as teaching a retention-barrier and the Examiner has identified element 62 in *Roessler et al.* as the liquid barrier. A closer examination of *Roessler et al.* reveals that element 58 is the composite absorbent pad which is made of forming tissue 66, pulp material 60, and cover tissue 70.⁴ There is NO liquid barrier. Element 62 cited by the Examiner is a fiberizing mechanism⁵, not a liquid barrier. Therefore, all the claim limitations of Applicants' claims 1 and 23 are not taught or suggested by the prior art and no *prima facie* case of obviousness has been established. Applicants respectfully request that this rejection be withdrawn.

It appears from the Office Action that claims 2 – 21 also stand rejected. Claims 2 – 21 depend from independent claim 1 and claims 24 – 25 depend from independent claim 23. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious.⁶ Therefore, based on the foregoing, no *prima facie* case of obviousness has been established for claims 2 – 21 and 24 – 25 and Applicants respectfully request that this rejection be withdrawn.

¹ See e.g., *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

² The Office Action dated 02/12/2004 at page 2 states, "Roessler et al. teach supplying retention-barrier composite web 58 having absorbent material 66 adhered to liquid barrier sheet 62...."

³ See e.g., Claim 1a on page 28 and Figures 2 and 3.

⁴ U.S. Patent No. 5,683,531, issued November 4, 1997, to *Roessler et al.*, column 8, lines 40 through 64.

⁵ *Id.* at column 8, line 43.

⁶ *In re Fine*, 837 F.2d 1071, 1076, 5 USPQ2d 1596 (Fed. Cir. 1988).

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ALLOWABLE SUBJECT MATTER

Applicants thank Examiner Gray for the telephone message of April 19, 2004, whereby Examiner Gray confirmed that claim 22 is independent and is allowable as written.

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CONCLUSION


For at least any or all of the foregoing remarks, the foregoing rejections should be withdrawn. Consequently, Applicants submit that the Application, including Claims 1 – 25, is in condition for allowance and that action is earnestly solicited.

In the event the Examiner has any questions concerning this Response, the Examiner is invited to contact Attorney for Applicants at the telephone number listed below.

The Commissioner is hereby authorized to charge any fee(s) which may be required for this Response to Kimberly-Clark Worldwide, Inc., Deposit Account No. 11-0875.

Respectfully submitted,
T. H. Roessler, et al.

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David J. Arteman
Registration No. 44,512
Attorney for Applicants

Kimberly-Clark Worldwide, Inc.
401 N. Lake St.
P. O. Box 349
Neenah, WI 54957-0349
Tel: 920.721.3016
Fax: 920.721.3129